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Patent Docket P1101P2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#4 2/2/00
T. Gray

In re Application of Avi J. Ashkenazi et al. Serial No.: 09/396,710 Filed: September 15, 1999 For: APO-2 RECEPTOR ANTIBODIES	Group Art Unit: 1643 Examiner: To Be Assigned CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231 on January <u>21</u> , 2000 <i>Anna Kan</i> Anna Kan
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RECEIVED
JAN 31 2000INFORMATION DISCLOSURE STATEMENTRECEIVED
JAN 31 2000Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

Applicants submit herewith patents, publications or other information (attached hereto and listed on the attached Form PTO-1449) of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR §1.56.

This Information Disclosure Statement, as far as is known to the undersigned, is filed before the mailing date of a first Office action on the merits. Should any fee be due, the U.S. Patent and Trademark Office is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$240.00 to cover the cost of this Information Disclosure Statement. Any deficiency or overpayment should be charged or credited to this deposit account.

A list of the patents and publications is set forth on the attached Form PTO-1449. A copy of reference number 161 is being provided. The undersigned wishes to explain that the abstract referred to in reference number 161 is not available to Applicants. Applicants are not certain, but believe that the oral presentation at the Glasgow IUCr Congress & General Assembly given in connection with that abstract may have related to Apo-2 receptor/Apo-2 ligand complexes.

Those patents or publications which are marked with an asterisk (*) in the attached PTO-1449 form are not supplied because they were previously cited by or submitted to the Office in

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prior application Serial No. 08/857,216, filed May 15, 1997, Serial No. 09/020,746, filed February 9, 1998, and Serial No. 09/096,637, filed June 12, 1998 and relied upon in this application for an earlier filing date under 35 USC § 120.

While the information and references disclosed in this Information Disclosure Statement may be "material" pursuant to 37 CFR § 1.56, it is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

In accordance with 37 CFR § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR § 1.56(a) exists. It is submitted that the Information Disclosure Statement is in compliance with 37 CFR § 1.98 and MPEP § 609 and the Examiner is respectfully requested to consider the listed references.

Respectfully submitted,

GENENTECH, INC.

Date: January 21, 2000

By:



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